

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK FONTROY, }
Plaintiff, } Civil Action No. 09-303 Erie
v. }
CAPTAIN TURNER, et al., }
Defendants. }

MEMORANDUM ORDER

AND NOW, this 22nd day of December, 2010;

Upon consideration of the Plaintiff, Derrick Fontroy's Appeal of the Magistrate Judge's oral order, entered on the record on October 22, 2010, [Doc. No. 35], denying his Motion for Independent Physical Examination [Doc. No. 12],

IT IS HEREBY ORDERED that the Appeal [Doc. No. 24] is DENIED.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge